

LINDA E. SHOSTAK (CA SBN 64599)  
LShostak@mofo.com  
JAMES E. BODDY, JR. (CA SBN 65244)  
JBoddy@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

Attorneys for Defendant  
DELOITTE & TOUCHE LLP

MARKUN ZUSMAN & COMPTON LLP  
Jeffrey K. Compton (SBN 142969)  
Daria Dub Carlson (SBN 150628)  
William A. Baird (SBN 192675)  
17383 Sunset Boulevard, Suite A380  
Pacific Palisades, California 90272  
Telephone: (310) 454-5900  
Facsimile: (310) 454-5970

LAW OFFICE OF STEVEN ELSTER  
Steven Elster (SBN 227545)  
785/E2 Oak Grove Road, #201  
Concord, CA 94518-3617  
Telephone: (925) 324-2159  
Facsimile: (925) 945-1276

Attorneys for Plaintiffs and the Certified Class

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JAMES BRADY, SARAH CAVANAGH, and  
IVA CHIU, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

DELOITTE & TOUCHE LLP, a limited liability  
partnership; and DOES 1-10, inclusive,

Defendants

Case No. C-08-00177-SI

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO UNSEAL  
DECERTIFICATION BRIEFS**

1 Pursuant to Local Rule 7-12, Plaintiffs and Defendant Deloitte & Touche LLP  
2 (“Defendant”), through their respective counsel, submit the following stipulation and [proposed]  
3 order that certain pleadings, as described below, conditionally filed with the Court under seal be  
4 unsealed.

5 WHEREAS, in the course of the discovery Defendant has produced and disclosed  
6 confidential, proprietary, and other private information related to the parties, as well as  
7 Defendant’s clients, designated “Confidential” or “Highly Confidential - Attorneys’ Eyes Only”  
8 pursuant to the parties’ Stipulated Protective Order signed by the Court on March 10, 2009, and  
9 filed in the above captioned action on March 11, 2009 (“Designated Produced Materials”), for  
10 which Defendant believes special protection from public disclosure and from use for any purpose  
11 other than prosecuting this litigation would be warranted;

12 WHEREAS, the parties have agreed that material designated as confidential, proprietary,  
13 and other private information related to the parties, as well as Defendant’s clients, may be  
14 included in or discussed in the parties’ filings with respect to Defendant’s Motion for Class  
15 Decertification (“Designated Motion Materials”);

16 WHEREAS, the parties agreed and the Court ordered pursuant to the parties’ stipulations  
17 and proposed orders that Defendant’s Memorandum or Points and Authorities in Support of  
18 Motion for Decertification, Plaintiffs’ Opposition to Defendant’s Motion for Class  
19 Decertification, Defendant’s Reply in Support of Defendant’s Motion for Class Decertification,  
20 and Plaintiffs’ Sur-Reply to Defendant’s Motion for Class Decertification (collectively,  
21 “Decertification Briefs”) be conditionally filed under seal;

22 WHEREAS, the parties agreed that they would meet and confer regarding whether the  
23 documents filed under seal pursuant to said stipulations and orders should remain under seal; and

24 WHEREAS, the parties, having met and conferred, have agreed that the Court may order  
25 the Decertification Briefs filed under seal to be unsealed, without prejudice to either parties’  
26 rights to maintain or not maintain under seal any other briefs or documents filed with the Court  
27 under seal and that said order shall not affect the under-seal status of any other briefs or  
28

documents filed with the Court under seal, including without limitation any exhibits referred to in the Decertification Briefs.

NOW THEREFORE, the parties hereby stipulate, subject to Court approval, that the following briefs conditionally filed under seal herein be unsealed:

1. Memorandum of Points and Authorities in Support of Defendant's Motion for Class Decertification;
2. Plaintiffs' Opposition to Defendant's Motion for Class Decertification;
3. Reply in Support of Defendant's Motion for Class Decertification; and
4. Plaintiffs' Sur-Reply to Defendant's Motion for Decertification.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

COUNSEL FOR DEFENDANT  
DELOITTE & TOUCHE LLP

DATE: September 26, 2011 By: /s/ James E. Boddy  
Linda E. Shostak  
James E. Boddy, Jr.  
MORRISON & FOERSTER LLP

COUNSEL FOR PLAINTIFFS

DATE: September 26, 2011 By: /s/ William A. Baird  
William A. Baird  
Daria Dub Carlson  
Jeffrey K. Compton  
MARKUN ZUSMAN & COMPTON, LLP  
  
Steven Elster  
LAW OFFICE OF STEVEN ELSTER

ECF CERTIFICATION

I hereby attest that I have obtained concurrence regarding the filing of this document from each of the signatories within the e-filed document.

DATE: September 26, 2011 By: /s/ James E. Boddy  
James E. Boddy

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 9/27/11



Honorable Susan Illston  
United States District Court Judge